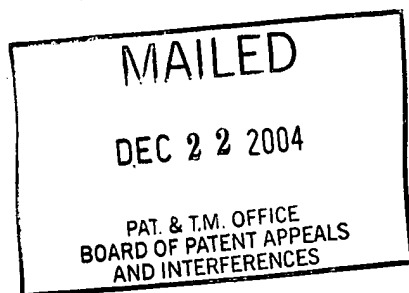




## UNITED STATES PATENT AND TRADEMARK OFFICE

DIRECTOR OF THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BOARD OF PATENT APPEALS AND INTERFERENCES  
BOX INTERFERENCE, WASHINGTON, D.C. 20231

Filed by: James T. Moore  
Telephone: (571) 272-9797  
Facsimile: (571) 273-0042



Applicants: Poel et al.  
Application No.: 09/138,209  
Filed: 08/24/98  
For: Phenyloxazolidinones having a C-C  
Bond to 4-8 membered heterocyclic rings

The above-identified application or patent has been forwarded to the Board of Patent Appeals and Interferences because it is adjudged to interfere with another application or patent. An interference has been declared. The interference is designated as No. 105,273.

Notice is hereby given the parties of the requirement of the law for filing in the Patent and Trademark Office a copy of any agreement "in connection with or in contemplation of the termination of the interference." 35 U.S.C. § 135(c).

A handwritten signature of James T. Moore, written in black ink, above a horizontal line.

James T. Moore  
Administrative Patent Judge

## INTERFERENCE DIGEST

Interference No. 105,273

Paper No.

Name: Toni-Jo Poel et al.

Serial No.: 09/138,209

Patent No.

Title: Phenyloxazolidinones having a C-C bond to 4-8 membered heterocyclic rings

Filed: 08/24/98

Interference with Gravestock

### DECISION ON MOTIONS

Administrative Patent Judge, \_\_\_\_\_ Dated, \_\_\_\_\_

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### FINAL DECISION

Board of Patent Appeals and Interferences, \_\_\_\_\_ Dated, \_\_\_\_\_

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Court, \_\_\_\_\_ Dated, \_\_\_\_\_

### REMARKS

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This should be placed in each application or patent involved in interference in addition to the interference letters.

Filed by:  
James T. Moore  
Administrative Patent Judge  
Mail Stop Interference  
P.O. Box 1450  
Alexandria VA 22313-1450  
Tel: 571-272-9797  
Fax: 571-273-0042

Filed  
December 22, 2004

UNITED STATES PATENT AND TRADEMARK OFFICE

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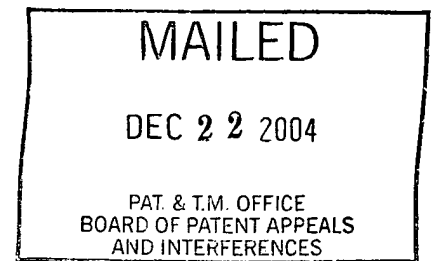
BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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MICHAEL BARRY GRAVESTOCK  
Junior Party  
(Patent 5,981,528)

v.

TONI-JO POEL, DOUGLAS K. HUTCHINSON,  
RICHARD CHARLES THOMAS, STEVEN J. BRICKNER,  
and  
MICHAEL R. BARBACHYN  
Senior Party  
(Application 09/138,209),



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Patent Interference No. 105,273

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**DECLARATION**

**Part A. Declaration of interference**

An interference is declared (35 U.S.C. § 135(a)) between the above-identified parties. Details of the application, patent, count and claims designated as corresponding or as not corresponding to the count appear in Parts E and F of this DECLARATION.

### **Part B. Judge managing the interference**

Administrative Patent Judge James T. Moore has been designated to manage the interference. 37 CFR § 41.104(a) [Bd. R. 104(a)].

### **Part C. Standing order**

A Trial Section STANDING ORDER [SO] accompanies this DECLARATION. The STANDING ORDER applies to this interference.

### **Part D. Initial conference call**

A telephone conference call to discuss the interference is set for **1:00 p.m. on February 16, 2005** (the Board will initiate the call).

No later than **two business days** prior to the conference call, each party shall file and serve by facsimile (SO ¶ 4.5) a list of the motions (Bd. R. 120; Bd. R. 204; SO ¶ 26) the party intends to file.

A sample schedule for taking action during the motion phase appears as Form 2 in the STANDING ORDER. Counsel are encouraged to discuss the schedule prior to the conference call and to agree on dates for taking action. A typical motion period lasts approximately eight (8) months. Counsel should be prepared to justify any request for a longer period.

## **Part E. Identification and order of the parties**

### Junior Party

Named inventors: MICHAEL BARRY GRAVESTOCK,  
MACCLESFIELD, ENGLAND  
UNITED KINGDOM

Patent: 5,981,528, issued November 9, 1999  
from application 08/945,160, filed October 21, 1997

Title: ANTIBIOTIC OXAZOLIDINONE DERIVATIVES

Assignee: ZENECA LIMITED, LONDON, ENGLAND,  
UNITED KINGDOM

Accorded Benefit: PCT/GB97/00462 February 20, 1997  
UK 9603939 February 24, 1996  
UK 9618404 September 04, 1996

### Senior Party

Named Inventors: TONI-JO POEL, WAYLAND MICHIGAN  
DOUGLAS K. HUTCHINSON, KALAMAZOO MICHIGAN  
RICHARD CHARLES THOMAS, KALAMAZOO MICHIGAN  
STEVEN J. BRICKNER, LEDYARD CONNECTICUT  
MICHAEL R. BARBACHYN, KALAMAZOO CONNECTICUT  
ALL OF UNITED STATES OF AMERICA

Application: 09/138,209, filed August 24, 1998

Title: PHENYLOXAZOLIDINONES HAVING A C-C BOND TO 4-8 MEMBERED  
HETEROCYCLIC RINGS

Assignee: None

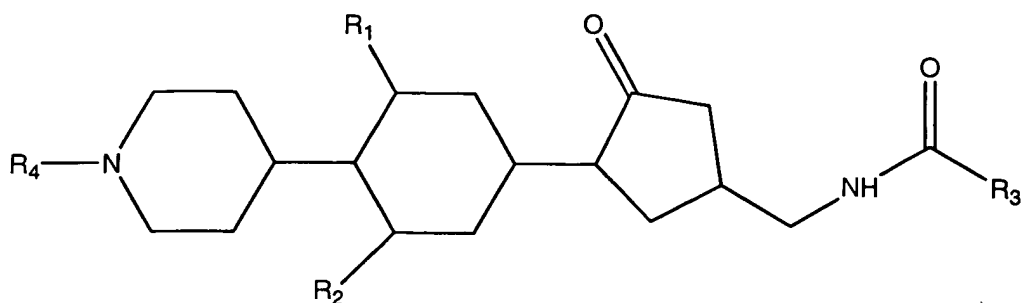
Accorded Benefit: 08/696,313, filed August 13, 1996  
60/003,149, filed September 01, 1995

The senior party is assigned exhibit numbers 1001-1999. The junior party is assigned exhibit numbers 2001-2999. Bd. R. 154(c)(1). The senior party is responsible for initiating settlement discussions. SO ¶ 18.

## Part F. Count and claims of the parties

### Count 1

A composition according to the following formula:



wherein:

- R<sub>1</sub> is H or F
- R<sub>2</sub> is H or F
- R<sub>3</sub> is H, C<sub>1-4</sub> alkyl, chloromethyl, chloroethyl, or C<sub>1-4</sub> alkoxy
- R<sub>4</sub> is H;  
C<sub>1-6</sub> substituted with -OH, -CN, or F;  
C<sub>1-4</sub> alkylphenyl;  
CHO;  
COCF<sub>3</sub>;  
CO-CH<sub>2</sub>-phenyl-C<sub>1-6</sub> alkyl;  
CO-CH<sub>2</sub>OCO(C<sub>1-6</sub> alkyl);  
COOC<sub>1-6</sub> alkyl;  
COC<sub>1-4</sub>COC<sub>1-4</sub> alkyl;  
SO<sub>2</sub>-C<sub>1-6</sub> alkyl;  
SO<sub>2</sub>-C<sub>1-4</sub> alkylphenyl; or  
a 5-6 member heterocyclic ring.

The claims of the parties are:

GRAVESTOCK: 1-8

POEL: 1-6, 8, 11-20.

The claims of the parties which correspond to Count 1 are:

GRAVESTOCK: 1-6 and 8

POEL: 1-5, 8, 11-15, 17 and 20.

The claims of the parties which do not correspond to Count 1, and therefore are not involved in the interference, are:

GRAVESTOCK: 7

POEL: 6, 16, 18, and 19.

#### **Part G. Heading to be used on papers**

The heading in SO Form 1 must be used on all papers filed in this interference. See SO ¶ 7.2.1. The administrative patent judge and parties must be indicated as follows:

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES  
(Administrative Patent Judge James T. Moore)

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MICHAEL BARRY GRAVESTOCK  
Junior Party  
(Patent 5,981,528)

v.

TONI-JO POEL, DOUGLAS K. HUTCHINSON,  
RICHARD CHARLES THOMAS, STEVEN J. BRICKNER,  
and  
MICHAEL R. BARBACHYN  
Senior Party  
(Application 09/138,209),

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Patent Interference No. 105,273

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**Part H. Order form for requesting file copies**

When requesting copies of files, use of SO Form 4 will greatly expedite processing of the request. Please attach a copy of Part E of this DECLARATION with a hand-drawn circle around the patents and applications for which a copy of a file wrapper is requested.



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James T. Moore  
Administrative Patent Judge

Enclosures:

Copy of STANDING ORDER  
Form PTO-850  
Copy U.S. Patent 5,981,528  
Copy of claims of 09/138,209

Revised September 2004



cc (via overnight delivery):

Attorney for GRAVESTOCK:

DAVID P. HALSTEAD, ESQ.  
ROPES & GRAY LLP  
ONE INTERNATIONAL PLACE  
BOSTON MA 02110-2624  
617-951-7615

Attorney for POEL:

LUCY YANG, ESQ.  
PHARMACIA & UPJOHN COMPANY  
INTELLECTUAL PROPERTY LEGAL SERVICES  
301 HENRIETTA STREET  
KALAMAZOO MI 49001  
269-833-9536